

REMARKS

In the Office Action, the Examiner rejected claims 1-33 and 36-59. Applicants previously canceled claims 34 and 35. Accordingly, claims 1-33 and 36-51 are currently pending. By the present response, Applicants amended claims 1, 20, 31, 32, 43, 45-47, and 51 to clarify certain aspects of the claimed subject matter. In view of the foregoing amendments and the following remarks, Applicants respectfully request allowance of all pending claims.

Objections to the Drawings Under 37 C.F.R. § 1.83(a)

The Examiner objected to the drawings for failing to show every feature of the invention specified in the claims. Specifically, the Examiner argued that the drawings do not show the angular lock assembly recited in claim 13. As discussed below, the Applicants believe this claim recitation is fully disclosed and illustrated by the present application.

The Applicants respectfully direct the Examiner to Figures 4-6 and the corresponding description on Page 13, Paragraph 2 of the present application. As disclosed, the present application provides latch releases for locking and releasing hinges. For example, a hinge 192 may be released from an angularly locked position by engaging a latch release 195. *See* Application, page 13, lines 15-20. One of ordinary skill in the art would understand that “actuating a latch release mechanism” facilitates release of a latch from a locked to an unlocked position. Application, page 13, lines 16-18. In fact, the Application clearly indicates that the exemplary latch release mechanism performs a locking and unlocking function. Application, page 13, lines 17-18. Accordingly, the Applicants respectfully assert that “an angular lock assembly” is adequately illustrated by the present application.

For these reasons, Applicants request that the Examiner withdraw the objection under 37 C.F.R. § 1.83(a).

Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1-7, 11-17, 20-24, 27-33, 35-47, 49-56, 58, and 59 under 35 U.S.C. §102(b) as anticipated by Helot et al..

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, the Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

Independent Claim 1:

As discussed below, the claimed technique *does* have patentably distinct elements not found in the reference cited by the Examiner. For example, amended independent claim 1 recites, *inter alia*, that “first, second, and third sections are rotatable between a plurality of configurations having *different base footprints* and at least two of the first, second, and third sections are adapted to *house components*.” (Emphasis added). In contrast, the cited reference discloses a computer having *only one housing section and only one invariable base footprint*. See Helot et al., Figs. 1, 8, 10, 11. Specifically, Helot et al. discloses a computer 20 having a computer base 22, a display 28, and an articulated mechanism 36, which includes a first arm member 42 and a second arm member 52. See Helot et al., Fig. 1; col. 2, lines 27-38. Regarding the “different base footprints” recited by claim 1, Applicants emphasize that the only portion of the computer 20 having a *base footprint* is the computer base 22. See *id.* Although the display 28 and the articulated mechanism 36 may cast a *shadow*, only *one base footprint* is possible by means of the computer base 22. Regarding the “at least two sections

adapted to house components" recited by claim 1, Applicants further emphasize that the only portion of the computer 20 adapted to house components is the computer base 22. *See Fig. 3 and col. 4, lines 24-26.* Accordingly, the Helot et al. reference fails to teach each and every feature of independent claim 1. Moreover, the remaining references also fail to teach or suggest the foregoing features.

In view of these missing elements, independent claim 1 and its respective dependent claims are believed to be patentable over the cited reference. Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 102 and allow the foregoing claims.

Independent Claim 20:

As amended, independent claim 20 recites, *inter alia*, "a *multi-sectional housing* comprising at least one housing section rotatable to an upright orientation to provide a *reduced support footprint*." (Emphasis added). As emphasized above, claim 20 has at least two unique features not found in the Helot et al. reference. First, the cited reference does not teach a *multi-sectional housing*. Second, the cited reference does not teach a housing section rotatable to an upright orientation to provide a *reduced support footprint*. Instead, the cited reference teaches a *one-piece housing* having a *single invariable support footprint*. *See* Helot et al., Figs. 1, 8, 10, 11. As discussed above, Helot et al. discloses a computer 20 having a computer base 22, a display 28, and an articulated mechanism 36, which includes a first arm member 42 and a second arm member 52. *See* Helot et al., Fig. 1; col. 2, lines 27-38. The only portion of the computer 20 having a *support footprint* is the computer base 22. *See id.* However, the computer base 22 does not have any housing section rotatable to an upright orientation, as recited by claim 20. *See id.* Accordingly, a *reduced support footprint is not possible* with the computer 20 disclosed by Helot et al. Applicants further emphasize that the first and second arm members 42 and 52 are not housing sections and cannot provide a reduced *support footprint*. Again, although the display 28 and the articulated mechanism 36 may cast a *shadow*, only *one base footprint* is possible by means of the computer base 22. Accordingly, the cited reference fails to disclose each and every feature recited in the instant

claim. Moreover, the remaining references also fail to teach or suggest the foregoing features.

In view of these missing elements, independent claim 20 and its respective dependent claims are believed to be patentable over the cited reference. Applicants respectfully request the Examiner withdraw the rejection under 35 U.S.C. § 102 and allow the foregoing claims.

Independent Claim 32:

As amended, independent claim 32 recites, *inter alia*, that “at least four rotatably coupled sections are rotatable between configurations having *at least two different bottom mounting footprints*.” (Emphasis added). As emphasized above, claim 32 has at least two unique features not found in the Helot et al. reference. The cited reference does not teach “at least two component *housing* sections” or “*at least two different bottom mounting footprints*,” as recited in claim 32. (Emphasis added). Instead, the cited reference teaches a *one-piece housing* having a *single invariable bottom mounting footprint*. *See* Helot et al., Figs. 1, 8, 10, 11; col. 2, lines 27-38. The only portion of the computer 20 having a bottom mounting footprint is the computer base 22, which is incapable of providing any variation in size or shape of its single bottom mounting footprint. *See id.* Applicants further emphasize that the first and second arm members 42 and 52 are not component housing sections and cannot provide a different *bottom mounting* footprint for the computer base 22. Again, although the display 28 and the articulated mechanism 36 may cast a *shadow*, only *one base footprint* is possible by means of the computer base 22. Accordingly, the cited reference fails to disclose each and every feature recited in the instant claim. Moreover, the remaining references of record also fail to teach or suggest the foregoing features.

In view of these missing elements, independent claim 32 and its respective dependent claims are believed to be patentable over the cited reference. Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 102 and allow the foregoing claims.

Independent Claim 43:

As amended, independent claim 43 recites, *inter alia*, a method comprising “rotatably coupling a plurality of panels configured for computing components” and “supporting a plurality of *structural* footprints.” (Emphasis added). As emphasized above, claim 43 has at least two unique features not found in the Helot et al. reference. The cited reference does not teach “a plurality of panels configured for computing components” or “a plurality of *structural* footprints,” as recited in claim 43. (Emphasis added). Instead, the cited reference teaches a *one-piece housing* having a *single invariable structural footprint*. *See* Helot et al., Figs. 1, 8, 10, 11; col. 2, lines 27-38. The only portion of the computer 20 having a *structural* footprint is the computer base 22, which is incapable of providing any variation in size or shape of its *single structural footprint*. *See id.* Applicants further emphasize that the first and second arm members 42 and 52 are not configured for computing components and cannot provide a different *structural* footprint for the computer base 22. Again, although the display 28 and the articulated mechanism 36 may cast a *shadow*, only *one base footprint* is possible by means of the computer base 22. Accordingly, the cited reference fails to disclose each and every feature recited in the instant claim. Moreover, the remaining references of record also fail to teach or suggest the foregoing features.

In view of these missing elements, independent claim 43 and its respective dependent claims are believed to be patentable over the cited reference. Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 102 and allow the foregoing claims.

Independent Claim 51:

Independent claim 51 recites, *inter alia*, a method comprising “geometrically orienting at least four sections . . . to a configuration having a desired one of a *plurality of different mounting contact footprints*.” (Emphasis added). As emphasized above, the cited reference does not teach a plurality of different mounting contact footprints, as recited in claim 51. Instead, the cited reference teaches a *one-piece housing* having a *single mounting contact footprint*. *See* Helot et al., Figs. 1, 8, 10, 11; col. 2, lines 27-38. Again, although the display 28 and the articulated mechanism 36 may cast a *shadow*, only *one base footprint* is

possible by means of the computer base 22. Accordingly, the cited reference fails to disclose each and every feature recited in the instant claim. Moreover, the remaining references also fail to teach or suggest the foregoing features.

In view of these missing elements, independent claim 51 and its respective dependent claims are believed to be patentable over the cited reference. Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 102 and allow the foregoing claims.

Rejections Under 35 U.S.C. § 103

The Examiner rejected dependent claims 8-10, 18, 25, 26, and 57 under 35 § U.S.C. §103(a) as unpatentable over Helot et al. in view of Karidis (U.S. Patent No. 6,006,243). The Examiner also rejected dependent claims 19 and 48 under 35 § U.S.C. §103(a) as unpatentable over Helot et al. in view of Stern (U.S. Patent No. 5,260,884). Applicants respectfully traverse the Examiner's rejections.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (P.T.O. Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). When prior art references require a selected combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gained from the invention itself, i.e., something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination. *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988). One cannot use hindsight

reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Applicants respectfully traverse the foregoing rejections for a number of reasons. First, all of the claims subject to this rejection under 35 U.S.C. § 103 are dependent on one of independent claims 1, 20, and 51, which are believed to be patentable over the Helot et al. reference for the reasons set forth above. Second, neither Karidis nor Stern obviates the deficiencies of Helot et al. For example, none of the cited references teach or suggest *a plurality of different base footprints, a plurality of different support footprints, or a plurality of different mounting contact footprints*, as recited by the foregoing independent claims. Third, the Examiner has not provided *objective evidence* of the requisite suggestion or motivation to modify or combine the Helot and Stern references. In fact, the cited Helot and Stern references teach away from one another in a manner precluding their combination. Regarding the Examiner's remarks about the requisite "reasonable expectation of success," the Applicants stress that the suggestion or motivation to combine or modify the references is a separate criteria of a *prima facie* case of obviousness. *See* M.P.E.P. § 2143.

Dependent Claims 8-10, 18, 25, 26, and 57:

First, as noted above, the foregoing claims all depend directly or indirectly from one of amended independent claims 1, 20, and 51. Each of the foregoing independent claims 1, 20, and 51 recite a plurality of different *base* footprints, a plurality of different *support* footprints, and a plurality of different *mounting contact* footprints, respectively. As discussed above, the Helot et al. reference contrastingly teaches a single footprint invariably defined by the computer base 22. *See* Helot et al., Figs. 1, 8, 10, 11; col. 2, lines 27-38. Again, although the display 28 and the articulated mechanism 36 of Helot et al. may cast a *shadow*, only *one base footprint* is possible by means of the computer base 22.

Second, the Karidis reference does not obviate the deficiencies of the primary reference, i.e., Helot et al., as discussed in detail above. In sharp contrast to the instant claims, Karidis teaches a notebook computer 10 having a single base section 16. *See* Karidis, Fig. 1; col. 3, lines 23-49. Karidis also teaches a middle section 18 and a display section 20,

yet these sections 18 and 20 cannot function to alter the footprint of the base section 16. *See id.* Although the sections 18 and 20 may provide a shadow, the actual footprint of the computer 10 is invariably defined by the single base section 16. *See id.* Accordingly, independent claims 1, 20, and 51 and their respective dependent claims are believed to be patentable over the cited references taken alone or in combination.

For these reasons, independent claims 1, 20, 32, 43, and 51 and their respective dependent claims are believed to be patentable over the Helot et al. and Karidis references taken alone or in combination. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 8-10, 18, 25, 26, and 57 under 35 U.S.C. § 103.

Dependent Claims 19 and 48:

First, the foregoing claims all depend directly or indirectly from one of independent claims 1 and 43. As discussed above, the Helot reference fails to teach certain features recited in these claims. For example, claims 1 and 43 recite a “*plurality of different base footprints*” and a “*plurality of structural footprints*,” respectively. As discussed above, these different footprints are provided by rotating sections to provide base or structural support. In sharp contrast, the Helot et al. reference teaches a base 22 having a single invariable footprint. *See* Helot et al., Figs. 1, 8, 10, 11; col. 2, lines 27-38. Also, although the display 28 and the articulated mechanism 36 may cast a *shadow*, only *one base footprint* is possible by means of the computer base 22.

Second, the Stern reference does not obviate the deficiencies of the primary reference, i.e., Helot et al., as discussed in detail above. In contrast to Helot et al., Stern teaches a computer disposed integrally within a conventional *briefcase*. *See* Stern, Abstract. Stern does not disclose a “*plurality of different structural footprints*,” but rather it merely discloses a conventional briefcase either upright or on its side with a removable keyboard. *See* Figs. 1 and 7. Additionally, the keyboard is clearly not a rotatably coupled section as presently claimed. For these reasons, the Applicants respectfully stress that the cited references, taken alone or in combination, do not teach or suggest the instant claims.

Third, the Examiner has not shown the requisite motivation or suggestion to modify or combine the Helot et al. and Stern references to reach the presently claimed technique. The Examiner must provide objective evidence, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to combine or modify the cited references. *In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002). In the present rejection, the Examiner combined the Helot et al. and Stern references based on the simple function of a briefcase, i.e., “to facilitate carrying of the device.” Paper 13, page 8. However, the mere functionality of the briefcase would not necessarily lead one of ordinary skill in the art to combine or modify the cited references. Applicants challenge the Examiner to produce *objective evidence* of the requisite motivation or suggestion to combine the cited references.

Applicants also reiterate that the Helot et al. and Stern references clearly teach away from one another, thereby precluding the combination suggested by the Examiner. In the Office Action, the Examiner argued that obviousness does not require absolute predictability of success. However, the Applicants believe the Examiner is focusing on the separate and distinct criteria of “reasonable expectation of success,” rather than relevant criteria of suggestion or motivation to combine or modify the references. *See* M.P.E.P. § 2143. Regarding the latter criteria, the Examiner is respectfully reminded that a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). The Applicants further emphasize that if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 U.S.P.Q. 349 (CCPA 1959); *see* M.P.E.P. § 2143.01. It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 U.S.P.Q. 769, 779 (Fed. Cir. 1983); M.P.E.P. § 2145.

Turning to the cited references, Helot et al. specifically teaches a computer 20 comprising a *single* computer base 22, a display 28, and an articulated mechanism 36 having first and second arms 42 and 52 to adjust the position of the display 28. *See* Helot et al., col.

2, lines 27-65. Helot et al. clearly emphasizes positional adjustment of the display 28 with *both first and second arms* 42 and 52 using *three rotational axes*. In contrast, Stern explicitly teaches a computer integrated into the confines of a *conventional briefcase*. See Stern, Abstract; col. 2, lines 45-50. A conventional briefcase *only* has *two panels*, e.g., bottom and top panels, which are hingedly coupled together along a *single rotational axis*. As disclosed by Stern, *only the top panel and the single rotational axis* provide positional adjustment for the computer screen 16. For these reasons, it would be improper to combine the cited references, because the proposed combination would change the principle of operation of each respective reference.

Accordingly, independent claims 1 and 43 and their respective dependent claims are believed to be patentable over the Helot et al. and Stern references taken alone or in combination. Applicants respectfully request the Examiner withdraw the rejection of claims 19 and 48 under 35 U.S.C. § 103.

Conclusion

The Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

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Respectfully submitted,


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